

AB:ADW
F. #2020R00142

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

KEITH LEVY,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

LAEJON BROOKS, being duly sworn, deposes and states that he is a Special Agent with the Bureau of Alcohol, Tobacco and Firearms, duly appointed according to law and acting as such.

On or about January 27, 2020, the defendant KEITH LEVY, knowingly and intentionally transmitted in interstate commerce, from the Northern District of Georgia to the Eastern District of New York, a communication containing a threat to injure the person of another, to wit, a threat to kill or cause serious bodily injury to JANE DOE, whose identity is known to the affiant.

(Title 18, United States Code, Section 875(c))

The source of your deponent's information and the grounds for his belief are as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco and Firearms ("ATF") and have been since approximately September 2016. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

Case No. 20-MJ-134

(18 U.S.C. § 875(c))

the investigative file, and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in sum and substance and in part. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

2. The United States, including the ATF, is conducting a criminal investigation of KEITH LEVY regarding possible violations of Title 18, United States Code, Section 875.

3. KEITH LEVY is a criminal parolee who is currently being supervised by JANE DOE, a Senior Parole Officer of the New York State Division of Parole.

4. On October 12, 2006, LEVY was convicted in New York following a jury trial for multiple violent felonies, including Attempted Murder, in violation of New York Penal Law ("NYPL") Section 125.25.¹ LEVY was released from New York State custody and placed under parole supervision on May 23, 2019.

5. Due to his associations with known and suspected gang members, one of LEVY's conditions of parole is that he not step foot in the New York Police Department's ("NYPD") 73rd Precinct, which covers certain parts of the Brownsville and Ocean Hill neighborhoods of Brooklyn, New York.

¹ In addition to Attempted Murder, LEVY was also convicted of Criminal Possession of a Weapon in the Second Degree (Loaded Firearm), in violation of NYPL Section 265.03; Attempted Assault in the First Degree, in violation of NYPL Section 120.10; and Reckless Endangerment in the First Degree, in violation of NYPL Section 120.25.

6. On January 24, 2020, Senior Parole Officer JANE DOE met with LEVY and compelled him to wear a GPS location monitoring device on his ankle as a new condition of supervision, due to reports from NYPD officers and other sources that LEVY had been frequently and recently spending time in the 73rd Precinct.

7. On January 25, 2020, Senior Parole Officer JANE DOE learned that LEVY had cut the GPS location monitoring device off of his ankle and thrown it down an incinerator located in a residential apartment building in Brooklyn, New York.

8. On January 27, 2020 at approximately 10:30 p.m., LEVY spoke with Senior Parole Officer JANE DOE by telephone, which she placed on speakerphone. Two other law enforcement officers were also in the room when the call took place. The three officers were at 335 Sutter Avenue in Brooklyn, New York at the time of the call.

9. During the January 27, 2020 call, LEVY complained about the GPS location monitoring device, insulted Senior Parole Officer JANE DOE, and stated, in sum and substance, that he “should have punched her in the face and shot her.” LEVY also stated that he was going to get “his hammer.” One of the other law enforcement officers attempted to persuade LEVY to surrender, but LEVY refused and said that he had “a few things to take care of.”

10. Based on my training and experience, I understand LEVY’s reference to “his hammer” as meaning a firearm.

11. Following the January 27, 2020 phone call with LEVY, law enforcement contacted the cellular phone company that provides service to LEVY’s known phone number and obtained location information regarding LEVY’s phone on an emergency basis. That

location information showed that LEVY was located in Atlanta, Georgia on January 27, 2020 at approximately 10:30 p.m.

12. New York State authorities issued a warrant for the arrest of LEVY based on the statements he made during the January 27, 2020 phone call. Law enforcement authorities located LEVY and arrested him in Georgia on February 4, 2020, and he remains in law enforcement custody as of the date of this affidavit.

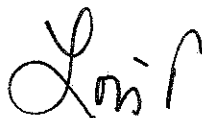
WHEREFORE, your deponent respectfully requests that the defendant KEITH LEVY be dealt with according to law.

Respectfully submitted,



Laejon Brooks
Special Agent
Bureau of Alcohol, Tobacco and Firearms

Subscribed and sworn to before me on 2/10, 2020



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s/  Bloom

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